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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 47/130 of 18 December 1992 on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, the General Assembly, inter alia, reaffirmed that it was the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national legislation, and that any activities that attempted, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that intended to sway the results of such processes, violated the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Also in that resolution, the Assembly strongly appealed to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country. The Assembly also called upon the Commission on Human Rights, at its forty-ninth session, to continue giving priority to the review of the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the Assembly at its forty-eighth session, through the Economic and Social Council. Lastly, the Secretary-General was requested to report to the General Assembly at its forty-eighth session on the implementation of that resolution, under the item entitled "Human rights questions".

2. The present report contains a summary of action taken by the Commission on Human Rights at its forty-ninth session pursuant to General Assembly resolution 47/130.

II. SUMMARY OF ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-NINTH SESSION

3. At its forty-ninth session, held from 1 February to 12 March 1993, the Commission on Human Rights considered, under various items of its agenda, a number of country situations which involved questions relating to the organization and holding of elections. Although no specific action to review the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, as requested by the General Assembly in its resolution 47/130, was taken by the Commission at that session, references were made, in a number of resolutions, to the issue of elections in the context of guaranteeing the free expression of the will of peoples and ensuring respect for national sovereignty and non-interference in the internal affairs of the States concerned.

4. In its resolution 1993/48 of 9 March 1993 entitled "Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers", the Commission on Human Rights, having recalled that such acts prevented the unimpeded exercise of

civil and political rights, such as participation in free elections, the right to peaceful assembly, freedom of association and trade union rights, as well as the exercise of economic, social and cultural rights, affecting adversely the well-being of peoples and causing severe damage to the economic infrastructure and production of countries, decided to continue its consideration of the question as a matter of high priority at its fiftieth session.

5. In its resolution 1993/66 of 10 March 1993 on the situation of human rights in Afghanistan, the Commission on Human Rights urged all the Afghan parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than 4 million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans.

6. In its resolution 1993/73 of 10 March 1993 on the situation of human rights in Myanmar, the Commission on Human Rights, having noted with particular concern that the electoral process initiated in Myanmar by the general elections of 27 May 1990 had not yet reached its conclusion and that the Government still had not implemented its commitments to take all necessary steps towards democracy in the light of the results of those elections, urged the Government of Myanmar to take every appropriate measure to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through convening the Parliament elected in May 1990, lifting restraining orders placed on a number of political leaders, releasing those who are detained, ensuring that political parties can function normally and lifting restrictions on the right of association and assembly, as well as the right to freedom of opinion and expression.

7. In its resolution 1993/85 of 10 March 1993 on assistance to Georgia in the field of human rights, the Commission on Human Rights, inter alia, encouraged the Government of Georgia to continue the process of democratization, including elections, and to guarantee and ensure the full enjoyment of human rights to all inhabitants of Georgia, and welcomed the interest expressed by the Government of Georgia for support and technical assistance in the field of human rights, including the drafting of legal instruments, constitutional provisions for persons belonging to minorities and assistance in national elections.

8. In its resolution 1993/86 of 10 March 1993 on assistance to Somalia in the field of human rights, the Commission on Human Rights, inter alia, requested the Secretary-General to appoint for a period of one year a person having wide experience in the field of human rights as an independent expert, in his or her individual capacity, to assist the Special Representative of the Secretary-General for Somalia through development of a long-term programme of advisory services for re-establishing human rights and the rule of law, including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot.

9. Finally, in its resolution 1993/59 of 9 March 1993, on the strengthening of United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity, the Commission on Human Rights made a more general statement, reiterating that, by virtue of the principle of equal rights and self-determination of peoples, all peoples have the right to determine freely, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter of the United Nations, including respect for territorial integrity.